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20 **UNITED STATES DISTRICT COURT**
21 **FOR THE DISTRICT OF NEVADA**

22 UNITED STATES OF AMERICA, for the use
23 and benefit of WELLS CARGO, INC.,
24 Plaintiffs,

25 v.
26 ALPHA ENERGY AND ELECTRIC, INC.,
27 a Missouri corporation, and AMERICAN
28 CONTRACTORS INDEMNITY COMPANY,
a California corporation,
Defendants.

ALPHA ENERGY AND ELECTRIC, INC.,
a Missouri Corporation,

Third-Party Plaintiff,

v.

NORTHCON, INC., an Idaho corporation;
SOUTHWESTERN CONSTRUCTION, INC.,
a Utah corporation; DOES 1 through 10; AND
ROE corporations 1 through 10,
Third Party Defendants.

Case No. 2:18-cv-01182-JCM-EJY

**STIPULATION AND ORDER
REGARDING CONTINUANCE OF
BENCH TRIAL**

STIPULATION

Alpha Energy and Electric, Inc., American Contractors Indemnity Company, Northcon, Inc. and Southwestern Construction, Inc., by and through their respective counsel, hereby stipulate, agree and request that the Court continue the bench trial in this matter to the trial stack on October 31, 2022.

This matter was set for bench trial beginning May 23, 2022. After the parties filed several pretrial motions, the Court entered an order in the interest of judicial efficiency resetting the trial date to June 6, 2022, so that the parties could fully brief the pending motions. (Doc. #212.) The new trial date creates a conflict for Alpha's counsel, who already has a trial in another case set for June 6 in the United States District Court for the District of Kansas. Given this scheduling conflict, counsel for the parties have conferred and agree that it is necessary to request a further continuance of the June 6 trial setting. Counsel have discussed their respective litigation schedules over the next few months and have determined they have mutual availability for trial starting on October 31, 2022.

This stipulation for continuance of trial is made in good faith and is not intended to delay or hinder the proceedings. Good cause exists for the continuance in light of the scheduling conflict for Alpha's counsel, which cannot be avoided and could not have been foreseen until the trial date in this matter was recently moved from May 23 to June 6. The parties' agreement is made in consideration of the Court's trial calendar and in furtherance of the resolution of this case in accordance with Federal Rule of Civil Procedure 1.

IT IS SO STIPULATED.

1 Respectfully submitted this 16th day of May, 2022.

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CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that on May 16, 2022, I served a true and correct copy of the foregoing document via the ECF filing system upon the following:

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ORDER

The Court accepts the parties' Stipulation for continuance of trial. This case is re-set for a bench trial on the stacked calendar on October 31, 2022, at 9:00 a.m. in Courtroom 6A. The parties shall appear for a calendar call on October 26, 2022, at 1:30 p.m.

Dated May 16, 2022.

HON. JAMES C. MAHAN
UNITED STATES DISTRICT JUDGE